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Attorneys for Plaintiff
Data Capital Corporation

UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

DATA CAPITAL CORPORATION, a)
California Corporation,)
)
Plaintiff,)
)
vs.)
)
SAFEDESK SOLUTIONS, INC., an)
Oregon Corporation; PHIL AUTREY, an)
individual; DOES 1 through 25, inclusive)
)
Defendants.)

Case No. C 08-00678 JW (HRL)

PLAINTIFF'S NOTICE OF DISMISSAL
[RULE 41 (a)(1)(i), F.R. Civ. P.]

TO THE COURT, AND TO DEFENDANTS AND THEIR COUNSEL OF RECORD HEREIN:
PLEASE TAKE NOTICE THAT PLAINTIFF, Data Capital Corporation, through counsel undersigned, files its dismissal in accordance with the provisions of Rule 41(a)(1)(i)), F.R.Civ.P.

Plaintiff is Data Capital Corporation, a California Corporation; defendants are SafeDesk Solutions, Inc., an Oregon corporation and Phil Autrey, an individual.

On December 10, 2007, plaintiff sued defendants in the Superior Court of the State of California, Santa Clara County. Defendants removed the action to this court. Plaintiff filed an amended complaint on March 20, 2008.

Defendants have been served but have not filed an answer or a motion for summary judgment.

This is not a class action.

1 A receiver has not been appointed in this action.

2 This case is not governed by any federal statute that requires an order of the court for dismissal
3 of the case.

4 Plaintiff has not dismissed an action based on or including the same claims as those presented
5 in this suit.

6 The dismissal is with prejudice pursuant to a settlement between the parties.

7
8 DATED: June 30, 2008

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10 JULIAN A. POLLOK
11 LAW OFFICES OF JULIAN A. POLLOK
12 A Professional Corporation

13 By: 

14 Julian A. Pollok
15 Attorneys for Plaintiff
16 Data Capital Corporation
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 1000 Wilshire Boulevard, Suite 620, Los Angeles, California 90017.

On June 30, 2008, I served true copies of the following document(s) described as

**PLAINTIFF'S NOTICE OF DISMISSAL
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on the interested parties in this action as follows:

Clifford E. Yin, Esq.
Coblentz, Patch, Duffy & Bass LLP
One Ferry Building, Suite 200
San Francisco, California 94111-4213
Telephone: (415) 391-4800
Facsimile: (415) 989-1663

X **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Law Offices of Julian A. Pollok, A Professional Corporation's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 30, 2008, at Los Angeles, California.


Julian A. Pollok